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July 7, 2008

By Facsimile: (212) 805-7942:
Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: Cole, et al. v. City of New York, et al.
Index No.: 07 CV 8531 (AKH)(FM)

*So ordered
7-7-08
[Signature]*

Dear Judge Hellerstein:

This office represents defendants, City of New York, Principal Jacqui Getz, and Assistant Principal Susan Federici, in the above-referenced action in which *pro se* plaintiffs allege that defendants: refused to transfer infant plaintiff from his regular classroom into another classroom, removed infant plaintiff from school on the day of a State wide examination, assaulted adult plaintiffs, and denied adult plaintiff, Willie James Cole, access to Public School (P.S.) 87.

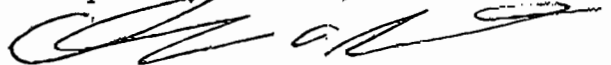
I write to request an extension, until August 11, 2008, to respond to plaintiffs' Second Amended Complaint. As the waiver of service was sent on or about May 9, 2008 and acknowledgement of service received on behalf of defendants completed on June 9, 2008, the defendants' response to the Second Amended Complaint is currently due Wednesday, July 9, 2008. This is the defendants' first such request. Defendants have attempted to contact plaintiffs to obtain their consent for this request, but have been unable to do so. Plaintiffs will not be prejudiced if this request for an extension is granted as the defendants are only requesting an additional thirty days to respond to plaintiffs' Second Amended Complaint, and this additional time does not conflict with any other scheduled activity in this matter.

The reason for this request is that additional time is needed for this office to investigate the factual allegations in the complaint, and to determine whether the Corporation Counsel may represent the individual non-City defendants under section 50-k of the New York General Municipal Law. All of the incidents referred to in the Second Amended Complaint occurred at a Department of Education facility. There are several potential witnesses that must be interviewed, including but not limited to those named in plaintiffs' Second Amended Complaint. Additional time also will enable this office to prepare an appropriate response.

Accordingly, defendants respectfully request that the Court grant them an additional 30 days, until Monday, August 11, 2008, to respond to the Second Amended Complaint in this action.

Thank you for your consideration of this request.

Respectfully submitted,



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